



HFW  
PATENT  
Attorney Docket No. ASX-015CP

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Chen et al. GROUP NO.: 3742  
SERIAL NO.: 09/774,165 EXAMINER: M. Paschall  
FILING DATE: January 26, 2001  
TITLE: INTEGRATED PLASMA CHAMBER AND INDUCTIVELY-COUPLED  
TOROIDAL PLASMA SOURCE

***CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8***

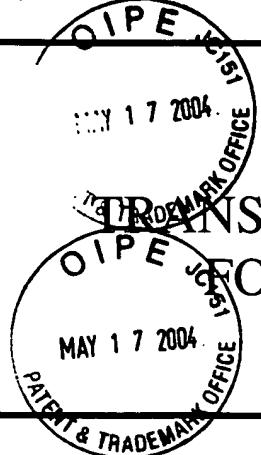
I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13<sup>th</sup> day of May, 2004.

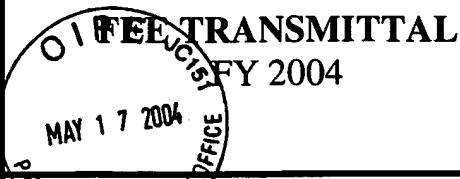
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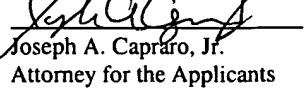
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith are: Transmittal Form (1 page); Fee Transmittal; Supplemental Information Disclosure Statement (3 pages); PTO Form-1449 (3 pages); References Labeled A124 to A140, B7 to B9 and C126 to C144; Check in the Amount of \$180; and a return receipt postcard.

		<table border="1"> <tr><td>Application Serial Number</td><td>09/774,165</td></tr> <tr><td>Filing Date</td><td>January 26, 2001</td></tr> <tr><td>First Named Inventor</td><td>Chen</td></tr> <tr><td>Group Art Unit</td><td>3742</td></tr> <tr><td>Examiner Name</td><td>M. Paschall</td></tr> <tr><td>Attorney Docket No.</td><td>ASX-015CP</td></tr> <tr><td>Patent No.</td><td>Not applicable</td></tr> <tr><td>Issue Date</td><td>Not applicable</td></tr> </table>		Application Serial Number	09/774,165	Filing Date	January 26, 2001	First Named Inventor	Chen	Group Art Unit	3742	Examiner Name	M. Paschall	Attorney Docket No.	ASX-015CP	Patent No.	Not applicable	Issue Date	Not applicable														
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<b>ENCLOSURES (check all that apply)</b>																																	
<table border="0"> <tr> <td><input checked="" type="checkbox"/> Fee Transmittal Form           <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Check Attached</li> <li><input type="checkbox"/> Copy of Fee Transmittal Form</li> </ul> </td> <td><input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553)</td> <td><input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences</td> </tr> <tr> <td><input type="checkbox"/> Amendment/Response           <ul style="list-style-type: none"> <li><input type="checkbox"/> Preliminary</li> <li><input type="checkbox"/> After Final</li> <li><input type="checkbox"/> Affidavits/declaration(s)</li> <li><input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____]</li> </ul> </td> <td><input type="checkbox"/> Formal Drawing(s)</td> <td><input type="checkbox"/> Appeal Brief (in triplicate)</td> </tr> <tr> <td></td> <td><input type="checkbox"/> 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checked="" type="checkbox"/> Form PTO-1449</li> <li><input checked="" type="checkbox"/> Copies of IDS Citations labeled A124 to A140, B7 to B9 and C126 to C144</li> </ul> </td> <td><input type="checkbox"/> CD(s) for large table or computer program</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Certified Copy of Priority Document(s)</td> <td><input type="checkbox"/> Amendment After Allowance</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Sequence Listing submission           <ul style="list-style-type: none"> <li><input type="checkbox"/> Paper Copy/CD</li> <li><input type="checkbox"/> Computer Readable Copy</li> <li><input type="checkbox"/> Statement verifying identity of above</li> </ul> </td> <td><input type="checkbox"/> Request for Certificate of Correction           <ul style="list-style-type: none"> <li><input type="checkbox"/> Certificate of Correction (in duplicate)</li> </ul> </td> <td></td> </tr> </table>				<input checked="" type="checkbox"/> Fee Transmittal 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<b>CORRESPONDENCE ADDRESS</b>		<b>SIGNATURE BLOCK</b>																															
Direct all correspondence to: Patent Administrator Proskauer Rose LLP One International Place 14 <sup>th</sup> Floor Boston, MA 02110-2600 Tel. No.: (617) 526-9600 Fax No.: (617) 526.9899		<p>Respectfully submitted,</p> <p>            Joseph A. Capraro, Jr.            Attorney for the Applicant(s)            Proskauer Rose LLP            One International Place            14<sup>th</sup> Floor            Boston, MA 02110-2600</p>																															



 <b>TRANSMITTAL</b> MAY 17 2004		<i>Complete if Known</i>																														
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<b>METHOD OF PAYMENT</b>		<b>FEE CALCULATION (continued)</b>																														
1. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other		3. ADDITIONAL FEES																														
2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 50-3081. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit. 3. <input type="checkbox"/> Applicant claims small entity status.		Large Entity Fee (\$)	Small Entity Fee (\$)																													
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		130	65	Surcharge - late filing fee or oath																												
		50	25	Surcharge - late provisional filing fee or cover sheet																												
		130	130	Non-English specification																												
		2,520	2,520	Request for ex parte reexamination																												
		110	55	Extension for reply within first month																												
		420	210	Extension for reply within second month																												
		950	475	Extension for reply within third month																												
		1480	740	Extension for reply within fourth month																												
		2010	1005	Extension for reply within fifth month																												
		330	165	Notice of Appeal																												
		330	165	Filing a brief in support of an appeal																												
		290	145	Request for oral hearing																												
		130	130	Petitions to the Commissioner																												
		180	180	Submission of Information Disclosure Statement																												
		770	385	Filing a submission after final rejection (37 CFR 1.129(a))																												
		770	385	For each additional invention to be examined (37 CFR 1.129(b))																												
		100	100	Certificate of Correction for applicant's error																												
		110	55	Submission of Terminal Disclaimer																												
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PATENT  
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APPLICANTS: Chen et al.

GROUP NO.: 3742

SERIAL NO.: 09/774,165

EXAMINER: M. Paschall

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TITLE: INTEGRATED PLASMA CHAMBER AND INDUCTIVELY-COUPLED  
TOROIDAL PLASMA SOURCE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of these documents are enclosed.

**REMARKS**

In accordance with the provisions of 37 C.F.R., this statement is being filed (check one)

- (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- the requisite Statement is below, **OR**
- the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or

Supplemental Information Disclosure Statement

Serial No. 09/774,165

Atty Docket No. ASX-015CP

Page 2

- (3) after the mailing date of a final action or notice of allowance but before the payment of the issue fee, **AND**
  - the requisite Statement is below, **AND**
  - the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

**STATEMENT**

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:

- 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

On April 3, 2003, Advanced Energy Industries, Inc. ("Advanced Energy") filed a Complaint in the United States District Court, District of Colorado (Civil Action No. 03-WM-0573 (CBS)) seeking a Declaration Judgment that certain of its reactive gas sources do not infringe three patents owned by MKS Instruments, Inc.'s ("MKS's") subsidiary Applied Science and Technology, Inc. ("ASTeX"). The patents at issue in the Colorado lawsuit include U.S. Patent No. 6,150,628, U.S. Patent No. 6,338,226, and U.S. Patent No. 6,486,431. The subject application is a continuation-in-part of U.S. Serial No. 09/774,165, which is a continuation-in-part of U.S. Patent No. 6,486,431, which is a continuation of U.S. Patent No. 6,150,628. On May 14, 2003, MKS moved to dismiss or transfer the Colorado lawsuit.

Supplemental Information Disclosure Statement

Serial No. 09/774,165

Atty Docket No. ASX-015CP

Page 3

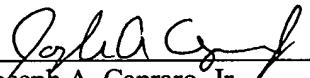
On May 14, 2003, MKS and its subsidiary ASTeX filed a Complaint in the United States District Court, District of Delaware (Civil Action No. 03-469-JJF) alleging that Advanced Energy was infringing five patents owned by ASTeX by making, offering for sale and selling certain reactive gas sources. The patents at issue in the Delaware lawsuit include the patents at issue in the Colorado lawsuit, U.S. Patent No. 6,552,296, and U.S. Patent No. 6,559,408. On July 10, 2003, Advanced Energy moved to dismiss or transfer the Delaware lawsuit. On December 24, 2003, the Colorado Court ordered the lawsuit transferred to the United States Court, District of Delaware. Discovery is proceeding on a schedule set by the United States District Court, District of Delaware. A Markman hearing in the Delaware lawsuit was held on January 13, 2004, and a jury trial is scheduled for late July 2004.

On February 12, 2004, the Delaware Court issued a Memorandum Opinion and Order (collectively, a "Markman Ruling") in which it construed certain claim terms. Applicant does not believe the Markman Ruling is material to patentability. However, in light of Defendant's previous assertions (see Applicant's Supplemental Information Disclosure Statement, dated January 9, 2004), the attached materials are being provided to the U.S. Patent Office out of excess caution. Further, Applicant has become aware of additional patents and publications during the course of the Delaware lawsuit. These patents and publications also are cited on the PTO-1449 Form.

Respectfully submitted,

Date: May 13, 2004  
Reg. No.: 36,471

Tel. No.: (617) 526-9800  
Fax No.: (617) 526-9899

  
\_\_\_\_\_  
Joseph A. Capraro, Jr.  
Attorney for the Applicant(s)  
Proskauer Rose LLP  
One International Place  
14<sup>th</sup> Floor  
Boston, MA 02110



FORM PTO - 1449

SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT

ATTY DOCKET NO.: ASX-015CP

APPLICANTS: Chen et al.

SERIAL NO.: 09/774,165

FILING DATE: January 26, 2001

GROUP: 3742

## U.S. PATENT DOCUMENTS

EXAM INIT.		DOCUMENT NO.	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A124	2,981,902	04/25/1961	Familier	333	17	06/22/1959
	A125	3,509,500	04/28/1970	McNair et al.	334	47	12/05/1966
	A126	3,794,941	02/26/1974	Templin	333	17	05/08/1972
	A127	3,906,405	09/16/1975	Kommrusch	333	17	07/01/1974
	A128	4,095,198	06/13/1978	Kirby	333	32	01/31/1977
	A129	4,201,960	05/06/1980	Skutta et al.	333	17	05/24/1978
	A130	4,486,722	12/04/1984	Landt	333	17	02/18/1982
	A131	4,486,723	12/04/1984	Lysobey	333	17	01/06/1983
	A132	5,277,751	01/11/1994	Ogle	156	643	06/18/1992
	A133	5,458,732	10/17/1995	Butler et al.	216	61	01/28/1994
	A134	5,474,648	12/12/1995	Patrick et al.	156	627.1	07/29/1994
	A135	5,573,595	11/12/1996	Dible	118	723 MP	09/29/1995
	A136	5,618,382	04/08/1997	Mintz et al.	216	64	06/25/1993
	A137	5,643,364	07/01/1997	Zhao et al.	118	723	05/02/1996
	A138	5,670,881	09/23/1997	Arakawa et al.	324	322	02/09/1996
	A139	6,424,232	07/23/2002	Mavretic et al.	333	17.3	11/30/1999
EXAMINER				DATE CONSIDERED			



<b>FEDERAL PTO - 1449</b> <b>SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT</b>					<b>ATTY DOCKET NO.:</b> ASX-015CP <b>APPLICANTS:</b> Chen et al. <b>SERIAL NO.:</b> 09/774,165 <b>FILING DATE:</b> January 26, 2001 <b>GROUP:</b> 3742			
<b>U.S. PATENT DOCUMENTS</b>								
EXAM INIT.		DOCUMENT NO.	DATE	NAME		CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A140	6,459,066	10/01/2002	Khater et al.		219	121.41	06/08/2001
<b>FOREIGN PATENT DOCUMENTS</b>								
EXAM INIT.		DOCUMENT NO.	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY ENGLISH LANG (Y/N)
	B7	39 42 560 C2	05/02/1996	DE				NO YES – Translation
	B8	2056702	03/20/1996	RU				NO NO
	B9	2094961	10/27/1997	RU				NO NO
<b>OTHER ART, JOURNAL ARTICLES, ETC.</b>								
EXAM INIT.		OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)						
	C126	Heckman et al., Advanced Energy Marketing Materials, "The Evolution of RF Power Delivery in Plasma Processing," (Copyright 1998) pp. 1-8.						
	C127	Advanced Energy Marketing Materials, "Introducing Power Supplies and Plasma Systems," (Copyright 1992) pp. 1-8.						
	C128	Advanced Energy Marketing Materials, "Impedance Matching," (Copyright 1992) pp. 1-8.						
	C129	Advanced Energy Industries, Inc., Presentation "Advances in 13.56 MHz Applications" by Knipp (date unknown) pp. 1-32.						
	C130	<u>CRC Handbook of Chemistry and Physics (1979-1980)</u> pp. E-60.						
	C131	Eckert, "The Hundred Year History of Induction Discharges," <u>Proceedings of The Second Annual International Conference of Plasma Chemistry and Technology</u> (November 12-13, 1984) pp 171-202.						
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EXAMINER					DATE CONSIDERED			



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<b>OTHER ART, JOURNAL ARTICLES, ETC.</b>		
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	C133	Gale et al., "Characterization of a Micromachined Electrical Field-Flow Fractionation ( $\mu$ EFF) System" (no date) pp. 1-6.
	C134	"An Intelligent Solution to RF Load-Power Variability," Vol. 2, No. 3, 3 <sup>rd</sup> Quarter (1995) pp. 1-8.
	C135	Lenk, "Switching Power-Supply Basics," <u>Simplified Design of Switching Power Supplies</u> (1995) pp. 1.
	C136	"Linear Circuit Analysis," <u>Electrical Engineering Handbook</u> , (Copyright 1993) pp. 85.
	C137	Massey, "Fabric antennas for mobile telephony integrated within clothing" (no date) pp. 1-4.
	C138	Memorandum Opinion, US District Court for the District of Delaware dated February 12, 2004.
	C139	Order, US District Court for the District of Delaware dated February 12, 2004.
	C140	Pressman, <u>Switching Power Supply Design</u> , (no date) pp. xvii.
	C141	"Principals and Techniques," <u>Electrical Engineers' Handbook</u> , (Copyright 1997) pp. 3.40-3.41.
	C142	<u>Remote Plasma Source Chapter 2</u> , (March 2001) pp. 2-1 - 2-6.
	C143	Ulanov et al., "Study of the Transformer-Coupled Induction Toroidal Discharge for Development of Plasma-Chemical Reactors and New Light Sources," (date unknown) pp. 1-19.
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